

REMARKS

Claims 1-9 have been examined. Claims 10-13 are added to provide more varied protection for the present invention. No new subject matter is added. Therefore, claims 1-13 are all the claims pending in the application.

To summarize, the previous rejection of claims 1 and 3-6 under 35 U.S.C. § 102 (b) based on JP 09-272583 have been withdrawn. However, in the present Office Action, the Examiner finally rejects claims 1-9 (all of the claims) of the present application.

In particular, claim 8 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Additionally, claims 1 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 57-174320 and claims 1 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ishitsuka (U.S. Patent No. 5,373,944). Further, claims 1-4, 6, 8, and 9 are rejected under 35 U.S.C. § 103(a) as being obvious over newly cited JP 63-137748 and claim 5 is rejected under 35 U.S.C. § 103(a) as being obvious over JP 63-137748 in view of Ishitsuka.

I. Drawings

Applicant would like to thank the Examiner for indicating that the substitute drawing sheets filed on July 2, 2003 are approved.

II. Illustrative, non-limiting embodiment of the invention

The present invention relates to a case comprising a containing part adapted to contain objects to be contained, such as disk cartridges, and a lid part that is provided on an opening of the containing part via a hinge part and adapted to be freely opened and closed. In particular, the case comprises at least one pair of locking portions operable to be engaged with each other and

disposed in areas near corners of both side faces of the opening of the containing part and an opening of the lid part. The locking portions extend along the side faces of the container and the side faces of the lid part in a direction of a vertical axis of the case, which corresponds to a direction of opening of the case. The present invention has an advantage that, since the vertical axis of the case corresponds to the direction in which the molds used to form the case are opened, it is possible to mold the case without employing sliding cores that are adapted to move on occasion of the molding, thereby simplifying manufacturing while obtaining sufficient lock holding force that is required for practical use of the case. In another illustrative, non-limiting embodiment, the areas near the corners range from a front face of the case along the side faces to a point that is less than or equal to one fourth of a width of each of the side faces of the case. Thus, sufficient lock holding force can be obtained.

III. Indefiniteness Rejection

The Examiner rejects claim 8 under 35 U.S.C. § 112, second paragraph, as being indefinite because the terms projections and depressions lack antecedent basis. Therefore, Applicant amends claim 8 to provide proper antecedent basis and requests that the Examiner withdraw this rejection.

As for the Examiner's statements regarding the claim language, Applicant respectfully submits that the present claims, when reasonably interpreted in the context of the claim and in light of the disclosure, clearly and particularly recite the features of the claimed invention. That is, the phrase "disposed in areas near corners of both side faces of said opening of said container part and an opening of said lid part", when interpreted in the context of the claim and in light of

the specification, clearly and particularly define the features of the claimed invention.

Additionally, the “undercut shape” recited in claim 6 simply is not a recess of any type, but instead, is an undercut shape as described in the specification and as exemplified in the drawings of the present application.

IV. Claim Rejections based on prior art grounds

(A) The Examiner rejects claims 1 and 7 under 35 U.S.C. § 102(b) as being anticipated by JP 57-174320. In the Response to Arguments, the Examiner asserts that the locking portions 5, 5' of JP 57-174320 include a vertical component that forms a thickness that extends along side faces of the container and the lid part in a direction of a vertical axis of the case corresponding to a direction of opening of the case, as allegedly shown in Figure 3 of JP 57-174320. For at least the following reasons, Applicant respectfully disagrees with the Examiner's position.

Claim 1 recites, *inter alia*:

at least one pair of locking portions, said locking portions being operable to be engaged with each other and disposed in areas near corners of both side faces of said opening of said containing part and an opening of said lid part, and wherein said locking portions extend along said side faces of said container and said side faces of said lid part in a direction of a vertical axis of said case, said direction of said vertical axis corresponding to a direction of opening of said case (emphasis added).

When interpreted in the context of the claim language and in light of the specification, it is clear that claim 1 recites that the lengthwise dimension of the locking portions (i.e., the longer dimension) extends along the side faces of the container and the side faces of the lid part in a

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 10/030,315
ATTORNEY DOCKET NO. Q66240

direction of a vertical axis of the case. Furthermore, claim 1 does not recite simply that the locking projections extend in a direction of a vertical axis of the case; but instead, that the locking projections extend along the side faces of the container...in a direction of a vertical axis of the case.

Therefore, Applicant respectfully submits that the Examiner's interpretation of the widthwise portions of the locking projection 5, 5' as *extending along* the side surfaces of the container is unreasonable. Instead, JP 57-174320 discloses locking portions 5, 5' that extend along the opposed contacting surfaces of the upper and lower lids of the case in a direction perpendicular to the direction of opening.

In fact, the lengthwise portions of the locking projections 5, 5' do not even extend along the side faces of the container. Rather, as set forth above, the locking projections extend along the opposed contacting surfaces of the container, not the side faces.

However, assuming *arguendo* that the Examiner's characterization is reasonable, the widthwise portions of the locking projections also do not (and cannot) "extend along the side faces" of the container, as claimed. At best, the widthwise portions of the locking projections project from the face of the opposed surfaces in a direction of opening of the container (i.e., they do not extend along the face in a direction of opening of the container).

Therefore, for at least the foregoing reasons, Applicant respectfully submits that Examiner is mischaracterizing JP 57-174320; and therefore, this rejection should be withdrawn.

(B) The Examiner rejects claims 1 and 5 under 35 U.S.C. § 102(b) as being anticipated by Ishitsuka. In the Response to Arguments, the Examiner asserts that Ishitsuka discloses locking portions 11a, 11b, 8a, 8b that extend along a length of the side in which they are formed and that Applicant's locking portions 6a, 6b similarly extend along the length of the side of the case. As such the Examiner considers Ishitsuka as disclosing all of the recitations of claims 1 and 5. Applicant respectfully disagrees with the Examiner's position for several reasons.

For example, claim 1 recites, *inter alia*:

wherein said locking portions extend along said side faces of said container and said side faces of said lid part in a direction of a vertical axis of said case, said direction of said vertical axis corresponding to a direction of opening of said case (emphasis added).

In comparison, as shown in Figure 3, Ishitsuka discloses protrusions 8a and 11a that extend along the length of the side of the case in a direction perpendicular to the direction in which the case is opened. On the other hand, the protrusions 8a and 11a extend from the sides of the case in a direction corresponding to a direction of opening of the case. That is, the protrusions 8a and 11 do not extend along anything in the direction of opening of the container; rather, they extend from the sides. Thus, the protrusions of Ishitsuka clearly are not comparable to the claimed locking portions.

For at least the foregoing reasons, Ishitsuka neither discloses nor suggests all of the recitations of claim 1; and therefore, the anticipation rejection of claims 1 and 5 should be withdrawn.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 10/030,315
ATTORNEY DOCKET NO. Q66240

(C) The Examiner rejects claims 1-4, 6, 8, and 9 under 35 U.S.C. § 102(b) as being anticipated by JP 63-137748.¹

Claims 1 and 9 are amended to clarify and define more clearly the features of the containing part of the present invention. For example, claims 1 and 9 recite, *inter alia*, “a containing part adapted to contain a plurality of objects that are overlapped and disposed in a raised position in the containing part.” No new matter is added and no further search is believed necessary.

In comparison, JP 63-137748 discloses a containing part that is adapted to contain a single cassette disposed in a flat or lateral position, it does not disclose a containing part adapted to contain a plurality of objects that are overlapped and disposed in a raised position in the containing part.

In light of the above, JP 63-137748 clearly does not anticipate independent claims 1 and 9 (and dependent claims 2-4, 6, and 8). Therefore, Applicant requests that the Examiner withdraw the § 102(b) rejection of these claims based on JP 63-137748.

¹ Please note that the Office Action, page 3, numbered paragraph 8, does not include claim 6 in the summary of the rejection; however, claim 6 is included in the text of the rejection (see page 4 of the Office Action).

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 10/030,315
ATTORNEY DOCKET NO. Q66240

(D) The Examiner rejects claim 5 under 35 U.S.C. § 103(a) as being obvious over JP 63-137748 in view of Ishitsuka. Applicant submits that claim 5 is patentable over any combination of the cited references at least by virtue of its dependency from claim 1.

V. New Claims

Applicant adds new claims 10-13 to provide more varied protection for the invention. No new subject matter is added. Claims 10-13 are directed to subject matter described in the original disclosure, for example, at page 6, lines 18-22, and page 7, lines 9-12.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860


WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: November 5, 2003

Respectfully submitted,


John J. Dresch
Registration No. 46,672